

REMARKS

The application has been reviewed in light of the final Office Action dated July 23, 2008. Claims 25, 27-29, and 45-60 were pending, with claims 1-24, 26 and 30-44 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 25 and 27-29 have been canceled, without prejudice or disclaimer, and claims 45, 46, 49, 52-54, 56 and 58 have been amended. Claims 45-60 would remain pending upon entry of this Amendment, with claims 45, 52 and 58 being in independent form.

Claims 25, 27-29, and 45-60 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over U.S. Patent No. 7,124,099 to Mesaros in view of U.S. Patent No. 6,078,897 to Rubin.

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art fails to disclose or suggest the aspect of the present application of ***making a determination that an initial order should be treated as either a retail-customer-to-business transaction or a business-to-business transaction.*** The determination is based on the specified quantity of the initial order, but may also take into account the accompanying customer side information (for example, the identity of the customer, the time of the initial order, the nature and mix of the specified products ordered, the requested time and mode of delivery, etc.). Then, *if said initial order is determined to be a retail-customer-to-business transaction*, the display information at the customer side is changed to reflect the retail-customer-to-business transaction and to display at least one retail-customer-to-business promotion designed to stimulate sales in a retail-customer-to-business transaction. The promotion need not be limited to a volume discount for the specified product in the initial order, but may include any promotion designed to stimulate additional sales in a retail-customer-to-

business transaction, including free products not identical to the specified product in the initial order, as well as benefits to the retail customer related to payment terms and delivery methods. On the other hand, *if said initial order is determined to be a business-to-business transaction*, the display information at the customer side is changed to reflect the business-to-business transaction and to display at least one business-to-business promotion designed to stimulate sales in a business-to-business transaction. Independent claims 45, 52 and 58 recite similar limitations.

In contrast, the systems proposed in both Mesaros and Rubin, as understood by the Applicant, *depend purely on formulaic volume pricing discounts, associated with a set of strict volume pricing thresholds*. Neither Mesaros nor Rubin mention the distinction between retail-customer-to-business transactions and business-to business transactions at any point whatsoever.

For example, in the approach proposed in Rubin, orders with a volume of at least 50 might receive a 10% discount, and orders with a volume of at least 100 might receive a 15% discount, in which case the thresholds are 50 and 100 (column 1, lines 50-53). Rubin simply makes a mechanical comparison between the proposed order and these strict thresholds, in order to determine an additional order that, when added to the proposed order, will qualify for the next highest discount than would be obtained by the proposed order alone (Rubin, Abstract). Thus, a proposed order of 49 computer workstation terminals will result in the system prompting the customer to add one more computer terminal in order to receive a 10% discount, whereas a proposed order of 51 computer terminals will result in the system prompting the customer to add 49 more computer terminals in order to receive a 15% discount. Rubin makes no determination whether the customer is a retail customer or a business. Rubin fails to appreciate that businesses may respond more favorably to specific business-to-business promotions (such as free networking and server equipment, comprehensive IT-business support, or long-term payments

plans). Mesaro is similar to Rubin in these respects.

Thus, in Mesaros and in Rubin, there is no determination whatsoever of whether the initial order should be treated as a retail-customer-to-business transaction or a business-to-business transaction. Mesaros and Rubin only consider the specified quantity of the proposed order, and do not take into account the accompanying customer side information (for example, the identity of the customer, the time of the initial order, the nature or mix of the specified products ordered, the requested time and mode of delivery, and so forth).

Similarly, there is no mention in Mesaros or Rubin of employing a retail-customer-to-business promotion (designed to stimulate additional sales in a retail-customer-to-business environment) or a business-to-business promotion (designed to stimulate additional sales in a business-to-business environment). Any 'promotion' in Mesaros or Rubin is limited solely to a formulaic volume pricing discount. There is no provision for other promotions functionally related to the initial order and designed to stimulate additional sales in retail-customer-to-business environment or a business-to-business environment, including free products and services not identical to the specified product in the initial order, as well as benefits to the customer related to payment terms and delivery methods.

Accordingly, Applicant respectfully submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, simply does not teach or suggest the above-mentioned aspects of the present application including *determining based on said initial order, including customer side information, whether said initial order is to be treated as a retail-customer-to-business transaction or a business-to-business transaction*, and changing the display information at the customer side to reflect a retail-customer-to-business promotion designed to stimulate sales in a retail-customer-to-business

transaction, if said initial order is determined to be a retail-customer-to-business transaction, and changing the display information at the customer side to reflect a business-to-business promotion designed to stimulate sales in a business-to-business transaction, if said initial order is determined to be a business-to-business transaction.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 45, 52 and 58 and the claims depending therefrom, are patentable over the cited art.

In addition, clarification of a 'second predetermined non-zero quantity,' which is lower than the first predetermined quantity, may be helpful for understanding another aspect (claims 46, 50 and 53) of the present application. In such aspect of the present application, if the quantity of the initial order is lower than the first predetermined *but higher than the second predetermined quantity*, the seller side calculates a quantity difference to qualify for the retail-customer-to-business transaction and promotion, displays the quantity difference along with the retail-customer-to-business transaction and promotion information at the customer side, and provides the customer side with an option of modifying the order (to at least the first predetermined quantity). However, if the quantity of the initial order *is lower than the second predetermined quantity*, the initial order is processed without displaying any promotion information to the customer.

Such other aspect of the present application is likewise not disclosed nor suggested in the cited art. Rubin, as understood by applicant, in no way proposes a minimum non-zero quantity below which the initial order is directly processed without displaying promotion information. Rubin only proposes that the next threshold calculator 220 calculates the volume of products that, when added to the proposed order, would allow the order to reach the next higher discount

threshold; this calculation is performed by subtracting the volume of the proposed order from the next highest volume identified in vendor thresholds (column 4, lines 10-18). For example, orders with a volume of at least 50 might receive a 10% discount, and suppose that there is an initial order of one item from the customer side. The next threshold calculator would subtract the volume of the proposed order (one item) from the next highest volume threshold (50), and the calculated volume difference is passed onto the administration 250 for presentation to the user.

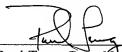
Likewise, in Mesaros there is no minimum non-zero quantity *below which the initial order is directly processed without displaying promotion information* (figure 3).

In view of the remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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